

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES C. MCCURDY,

Plaintiff,

v.

PRICE, et al.,

Defendants.

No. 1:21-cv-01699 KES GSA (PC)

ORDER GRANTING NUNC PRO TUNC
PLAINTIFF'S MOTION TO MOVE CASE
FORWARD

(ECF No. 20)

ORDER GRANTING PLAINTIFF'S
REQUEST TO SERVE COMPLAINT AND
REQUEST FOR COPIES OF DOCKET AND
COMPLAINT

(ECF No. 21)

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Before this Court is Plaintiff's motion to move this case forward and his request for the Court to have Defendants served with the complaint. ECF Nos. 20, 21 (respectively). Within Plaintiff's request to have Defendants served with the complaint, Plaintiff also asks that the Court send him copies of the docket as well as other documents. See ECF No. 21 at 1-2.

For the reasons stated below, the Court will grant nunc pro tunc, Plaintiff's motion to move this case forward and his request to have Defendants served with the complaint. In

1 addition, as a one-time courtesy, it will also grant Plaintiff's request for a copy of the docket and
2 a copy of his complaint.

3 **I. MOTION TO MOVE CASE FORWARD**

4 Plaintiff's request to move this case forward was docketed on June 12, 2025. ECF No. 20.
5 In it, he states in relevant part, that he is set to parole at some point this year. He also states that
6 when the time comes, he would like to settle this matter. Id.

7 The Court herein acknowledges the delay in screening Plaintiff's complaint. In so doing,
8 it notes that the Eastern District of California carries one of the largest and most heavily weighted
9 caseloads in the nation. See Office of the Clerk, United States District Court, Eastern District of
10 California, 2024 Annual Report, "Weighted Filings," p. 35 (2024) ("[O]ur weighted caseload far
11 exceeds the national average . . . ranking us fourth in the nation and first in the Ninth Circuit.").
12 This problem is compounded by a shortage of jurists to review its pending matters. See generally
13 id. (stating 2024 Biennial Judgeship Survey recommended request for four additional permanent
14 judgeships for Eastern District of California).

15 Plaintiff is informed that Court has now screened Plaintiff's complaint and found that it
16 can be served. Therefore, Plaintiff's motion to move this case forward will be granted nunc pro
17 tunc. Of notable import, and a fact of which Plaintiff should be made aware, however, is that the
18 barely legible state of his complaint contributed significantly to the Court's delay in reviewing it.
19 Specifically, Plaintiff's complaint is handwritten in what appears to be 9-point font instead of the
20 standard 12-point font, and the quality of the copy filed with the Court also made it incredibly
21 difficult to read. See generally ECF No. 1. Given these facts, when Plaintiff files documents in
22 the future, he should consider having them typed or handwritten in a much larger font size. In
23 addition, Plaintiff should make certain that any copies of documents that he sends to the Court are
24 clear enough to read and quickly understandable.

25 **II. REQUEST TO ORDER SERVICE OF COMPLAINT**

26 Plaintiff's request to have his complaint served was docketed on August 25, 2025. ECF
27 No. 21. In it, Plaintiff states in relevant part that he needs this matter to move forward because he
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1 has serious medical and mental health issues. Id. at 1. Here again, given that the Court has
2 screened his complaint and has ordered it served, the request will be granted nunc pro tunc.

3 Plaintiff's request also requests the Court to send him a copy of the docket as well as a
4 copy of the complaint. ECF No. 21 at 1-2. He states that he needs the copies because his
5 paperwork and other legal property has been either lost or destroyed. Id. at 2. Good cause
6 appearing, this request will be granted as well.

7 Accordingly, IT IS HEREBY ORDERED that:

8 1. Plaintiff's motion to move forward with the case (ECF No. 20) is GRANTED nunc
9 pro tunc;

10 2. Plaintiff's motion for a request for the Court to order Defendants served with the
11 complaint (ECF No. 21 at 1) is GRANTED nunc pro tunc;

12 3. As a one-time courtesy, Plaintiff's request for a copy of the docket in this case as well
13 as a copy of his complaint (ECF No. 21 at 1-2) is GRANTED, and

14 4. The Clerk of Court shall send Plaintiff a copy of:

15 (a) The docket in this case, and

16 (b) A copy of his complaint (see ECF No. 1).

17 IT IS SO ORDERED.

19 Dated: September 3, 2025

19 /s/ Gary S. Austin
20 UNITED STATES MAGISTRATE JUDGE

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